

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JOHNNY M. STAFFORD,

Plaintiff,

v.

CONOCO, INC., et al.,

Defendants.

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CIVIL ACTION No. 6:08cv124


**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report and Recommendation of the Magistrate Judge (Doc. No. 20), which contains his proposed findings of fact and recommendations for the disposition of Plaintiff's Motion for Injunction (Doc. No. 3), has been presented for consideration. No objections have been filed. Having carefully considered the parties arguments, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct.

The Report notes that there had been no indication that the Defendants had been served, prior to issuance of the Report. REPORT at 1. Nonetheless, the Magistrate Judge found Plaintiff's Motion capable of disposition because Plaintiff had failed to make an adequate showing on any of the four required factors. *Id.* at 1–2. Both Defendants have now been served, and Defendant Conoco has filed two motions to dismiss. (Doc. Nos. 22, 23). Notwithstanding the fact that Defendants have now been served, Plaintiff's Motion is still capable of disposition for all the reasons outlined in the Magistrate Judge's Report. Therefore, the Court adopts the Report and Recommendation of the United States Magistrate Judge as the findings of this Court.

Accordingly, it is hereby **ORDERED** that Plaintiff's Motion for Injunction (Doc. No. 3)
be **DENIED**.

SIGNED this 14th day of October, 2008.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE